

Serial No. 09/647,832

Amendment dated August 20, 2004

Reply to Office Action of May 20, 2004

BEST AVAILABLE COPY**REMARKS**

The Official Action dated May 20, 2004, has been carefully considered. Accordingly, the changes presented herewith, taken with the following remarks, are believed sufficient to place the present application in condition for allowance. Reconsideration and allowance of all pending claims are respectfully requested.

Claims 16-18 and 38 have been amended to omit the embodiment in which R₁ is hydrogen. It is believed that these changes do not involve any introduction of new matter, whereby entry is believed to be in order and is respectfully requested.

Applicants wish to thank the Examiner for her indication of the allowance of claims 37 and 39. Claims 16-39 remain in the application.

Claims 16-36 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Romano et al WO 97/31093 (hereinafter referred to as "Romano et al"). The Examiner asserted that Romano et al teach a disinfecting composition having a pH of not more than 12 comprising a peroxygen bleach, an antimicrobial essential oil, an aldehyde, a nonionic and amphoteric surfactant and other additives. The Examiner further asserted that the peroxygen bleach disclosed in Romano et al may be any of those recited by Applicants in claim 21 of the present invention. Moreover, the Examiner asserted that the nonionic surfactant taught in Romano et al having the formula RO(C₂H₄O)_n(C₃H₆O)_mH where R is C₆-C₂₂ alkyl, n is 0 and m is up to 20 is the tautomer of the present polyalkylene glycol ether.

However, Applicants submit that claims 16-36 and 38 are nonobvious over Romano et al. Accordingly, this rejection is traversed and reconsideration is respectfully requested.

As defined by claim 16, from which claims 17-36 and 38 depend, the present invention is directed to a liquid disinfecting composition comprising an effective disinfecting amount of a disinfecting material and one or a mixture of poly (alkylene glycol) ethers. The

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disinfecting material includes a peroxygen bleach, while the poly (alkylene glycol) ethers

have the formula $R_1-O-(CH_2-CHR_2O)_n-R_3$. R_1 and R_2 are each independently a substituted or unsubstituted, saturated or unsaturated, linear or branched hydrocarbon chain having from 1 to 30 carbon atoms or a hydroxy bearing linear or branched hydrocarbon chain having from 1 to 30 carbon atoms or R_2 is hydrogen. R_3 is a substituted or unsubstituted, saturated or unsaturated, linear or branched hydrocarbon chain having from 1 to 30 carbon atoms or a hydroxy bearing linear or branched hydrocarbon chain having from 1 to 30 carbon atoms.

Finally, n is greater than 2.

However, Applicants find no teaching by Romano et al of the liquid disinfecting compositions defined by claim 16. That is, Romano et al disclose a disinfecting composition including a peroxygen bleach, an amphoteric surfactant, glutaraldehyde and an antimicrobial essential oil or an active thereof (abstract). Particularly, Romano et al disclose additional components for the disinfecting composition, including nonionic surfactants, such as fatty alcohol ethoxylates and/or propoxylates (page 13, lines 20-24), and that preferred hydrophobic nonionic surfactants have the linear formula $RO-(C_2H_4O)_n(C_3H_6O)_mH$, where R is a C_6 to C_{22} alkyl chain or a C_6 to C_{28} benzene chain and $n+m$ is from 0 to 20 (page 13, lines 36-37 - page 14, lines 1-5). As such, the nonionic surfactants include only one constituent group (R) at the end of the compounds, while a hydrogen atom (H) completes the other end of the nonionic compound.

References relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public, *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). Romano et al fail to teach or suggest compositions comprising a poly (alkylene glycol) ether as defined in claim 16. Thus, Romano et al do not support a rejection under 35 U.S.C. § 103. As noted above, Romano et al teach nonionic compounds having a single constituent group (R) only on one end of the

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The present liquid disinfecting composition of claim 16 comprises a compound, while the present liquid disinfecting composition of claim 16 comprises a poly(alkylene glycol) ether having two constituent end groups (R₁ and R₃) where neither is hydrogen. As such, this claimed composition is neither a tautomer nor an adjacent homolog of the compounds disclosed by Romano et al, and therefore Romano et al does not teach or suggest the presently claimed compositions of claim 16. Applicants therefore submit that the 35 U.S.C. § 103 rejection of claims 16-36 and 38 based on Romano et al has been overcome.

Reconsideration is respectfully requested.

It is believed that the above amendments and remarks represent a complete response to the rejections under 35 U.S.C. § 103 placing the present application in condition for allowance. Reconsideration and an early allowance are requested.

Respectfully submitted,

Clayton L. Kuhnell

Clayton L. Kuhnell
Registration No. 48,691
Dinsmore & Shohl LLP
1900 Chemed Center
255 East Fifth Street
Cincinnati, Ohio 45202
(513) 977-8377

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